

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,
v.
SPALITTO'S PHARMACY, L.C.,
Defendant.

Civil Action No. 4:21-cv-00600-GAF

CONSENT DECREE AND FINAL JUDGMENT

THIS CAUSE comes before the Court upon the Joint Stipulation to Entry of Consent Decree and Final Judgment (“Stipulation”) of the Plaintiff, the United States of America (“Plaintiff”), and Defendant Spalitto’s Pharmacy, L.C. (the “Defendant”) (Plaintiff and the Defendant are collectively referred to as the “Parties”). The Court, having reviewed the Stipulation and finding that Plaintiff brought this action against the Defendant pursuant to the provisions of the Controlled Substances Act, 21 U.S.C. § 882(a), alleging that Defendant was violating or was about to violate: (1) 21 U.S.C. § 842(a)(1) by dispensing controlled substances in violation of 21 U.S.C. § 829 and the Controlled Substances Act’s implementing regulations; and (2) 21 U.S.C. § 841(a)(1) by dispensing controlled substances outside the usual course of the professional practice of pharmacy. Finding that the Defendant has waived service of the Summons and the Complaint, and being otherwise fully advised, it is

HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

1. This Court has jurisdiction over this matter and the Parties pursuant to 21 U.S.C. § 882(a) and 28 U.S.C. §§ 1331 and 1345. Venue is proper in this District under 28 U.S.C. § 1391(b) and (c).

2. For purposes of this Consent Decree:
 - a. "Defendant" means Spalitto's Pharmacy, L.C., and any successors.
 - b. "Person" means an individual, a corporation, a partnership, or any other entity.
 - c. "Prohibited Practice" means to dispense, 21 U.S.C. § 802(10), any controlled substance, 21 U.S.C. § 802(6), without verifying, either manually with the DEA's free registration validation tool or automatically through the implementation of a software or other automated program (*e.g.*, DEA Lookup.com, Inc.), that the prescription contains a valid DEA registration number for the prescribing practitioner, 21 U.S.C. § 802(21).

3. Upon entry of this Decree, Defendant, Defendant's agents, officers, and employees, and all other persons and entities in active concert or participation with them are permanently prohibited and enjoined from, directly or indirectly, assisting, facilitating, or participating in any Prohibited Practice.

4. Within fifteen (15) days after entry of this Consent Decree, the Defendant is ordered to submit to DEA Diversion Investigator Patricia A. O'Malley a written acknowledgement of receipt of this Consent Decree. The Defendant shall submit the written acknowledgement by U.S. Mail to:

Drug Enforcement Administration
Attn: Patricia A. O'Malley
7600 College Blvd # 100
Overland Park, KS 66210

5. The Consent Decree shall not be modified except in writing by Plaintiff and the Defendant, and subject to approval by the Court.

6. This Consent Decree shall constitute a final judgment and order in this action.

7. This Court retains jurisdiction of this action for the purpose of enforcing or modifying this Consent Decree and for the purpose of granting such additional relief as may be necessary or appropriate.

8. The Clerk of Court is directed to CLOSE this case.

DONE AND ORDERED in Chambers at Kansas City, Missouri on the 19th day of August, 2021.

s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT